THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No. 18466 of 2005

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Dated: 17.10.2005

Between:

Indur Trading Corporation

Near Ice Factory, Rajaram Nagar,

Armoor, Nizamabad District – 503 224

Rep., by its Managing Partner Mr.M. Dutt

S/o. Sri Baja Goud, Aged 35 years,

R/o. Nizamabad.

..... PETITIONER

AND

The Govt. of A.P., rep., by its Secretary,

(Environment, Forest, Science & Technology) Department,

Secretariat, Hyderabad.

.....RESPONDENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No. 18466 of 2005

ORDER:

The petitioner seeks a declaration that the action of the Government in allotting 68 Metric Tonnes (MTs) of non-grade Red Sanders Wood only, instead of 168 MTs, as requested by the petitioner as illegal and arbitrary. It also seeks consequential direction to the respondent-Government to allot 100 MTs of non-grade Red Sanders Wood.

The petitioner is a forest contractor dealing in purchase and sale of forest produce like Red Sanders. It also claims to be a manufacturer of forest products with Red

Sanders. The petitioner made an application on 10.08.2004 to the Principal Chief Conservator of Forests, Hyderabad (PCCF), for allotment of 68 MTs of non-grade Red Sanders Wood, duly enclosing a Demand Draft for the required amount. It also made another application for allotment of 100 MTs. It appears, the Government issued orders in G.O.Rt.No.270, dated 04.09.2004, for granting permission to PCCF to allot 68 MTs of Red Sanders Wood to the petitioner at the rate of Rs.25,000/- per MT. In the said Government Order it was also observed that 878.937 MTs of non-grade Red Sanders Wood is available in various Government Depots. Therefore, the petitioner and other similarly situated persons approached the Government for disposal of the Red Sanders Wood available in the Government Depots. The petitioner also alleges that out of 878.937 MTs, the Government disposed of 378 MTs of non-grade Red Sanders Wood, and still there is 500 MTs of non-grade Red Sanders Wood in the Department, and in spite of the same, the Government is not disposing of the same.

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Forests.

A copy of G.O.Ms.No.113, dated 25.09.2004, is placed before this Court. The same would reveal that orders in 1997 appointing A.P.Forest Development Corporation (Corporation, for brevity) as agent to the Government for disposal of confiscated stock of Red Sanders Wood through global tenders as per the terms and conditions finalized by committee consisting of five members were modified subsequently and the Government issued G.O.Ms.No.111, dated 07.12.2001, authorizing the Corporation to call for tenders at national level for disposal of non-graded Red Sanders stock available with the Forest Department. The Corporation conducted sales of graded as well as non-graded Red Sanders Wood, but was not successful in disposal of the stock. The Government then stepped in and held negotiations with purchasers of Red Sanders through the Corporation. In the meanwhile, PCCF sent proposals for disposal of Red Sanders Wood departmentally by calling tenders on national level duly de-centralizing the procedure and requested the Government to authorize the Andhra Pradesh Forest Department. Accepting the proposal, the Government issued orders in G.O.Ms.No.113, dated 25.09.2004, in supercession of earlier orders authorizing the second respondent to dispose of Red Sanders Wood by calling tenders at national level only and to authorize Conservators of Forests concerned to dispose of Red Sanders Wood by tender or open auction subject to the approval by the Government.

G.O.Ms.No.113, dated 25.09.2004, would clearly show that no person can compel the Government to allot graded or non-graded Red Sanders Wood to him. Such a person has to necessarily participate in the public auction/tenders as and when the Principal Chief Conservator of Forests or Conservator of Forests initiate action in that direction. Therefore, petitioner cannot be said to have any enforceable right. Further, if any Mandamus, as prayed, is issued, it would go contrary to the policy of the Government, which is sound and transparent.

The Writ Petition is devoid of merits and is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

17.10.2005

vs